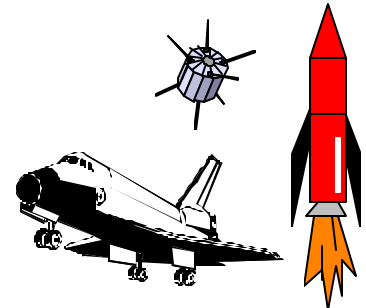




Export Control of Hardware & Technology

Tom Weisz, Center Export Administrator
GSFC Export Control Office, Code 232

June 2003





Outline



This presentation is designed to provide an overview of NASA's Export Control Program and how that program is implemented at GSFC.

☐ NASA and GSFC Export Control Program Information

- What is an Export?
- GSFC Personnel Export Control Responsibilities
- U.S. Export Regulations
- What is Export Controlled at GSFC?
- What Type of Export Controlled Items and Information May Be Released/Exchanged?

☐ GSFC Export Control Processes

- GSFC Export Control Office
- International Visits
- Mail and Packages
- Shipments
- External Software Releases
- Scientific and Technical Information (STI) Reviews
- Document Reviews
- Websites and Website Registration
- Telephone Calls, Faxes, and E-Mail
- Technology Transfer Control Plans
- Marking of Documents
- Counterintelligence and Information Technology Security





NASA Export Control Program



The NASA Export Control Program (ECP) was established to provide guidance, instructions, and responsibilities for all NASA employees and NASA support contractors engaged in activities that involve the transfer of hardware, software, or technologies to foreign individuals and companies. Such transfer activities are regulated by export control laws. Major goals and objectives of the NASA ECP include the following:

- ☐ Protect the national security and further U.S. foreign policy objectives by ensuring that sensitive technology and information is not improperly released
- ☐ Maximize the benefits of our international efforts while ensuring that we comply with U.S. export control laws and regulations, approved contracts, and international agreements
- ☐ Provide checks and safeguards at key steps in program development and implementation to ensure that export control matters are considered and resolved
- ☐ Train personnel involved in international activities of their roles and responsibilities, and in NASA's export control program



Overall Goal – Protect the health and safety of our spacecraft and missions



What is an Export?

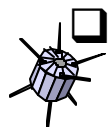


☐ A Simplified Definition

“The transfer of anything to a “foreign person” or the knowledge that what you are transferring to a “U.S. person” will be further transferred to a “foreign person.”

- A “foreign person” is someone who is not a U.S. citizen or is not a permanent resident (does not have a “green card”)
- A “U.S. person” representing/working for a foreign entity is also considered to be a “foreign person”

- ☐ Methods of export include, but are not limited to the following: shipments, mail, faxes, e-mail, web sites, publications/presentations, handcarry of items, phone conversations, and face-to-face discussions
- ☐ Exports of items/information which are export controlled must be reviewed by the GSFC Export Control Office and, if required, an appropriate export license must be obtained



- ☐ Export licenses are provided by the State Department or Commerce Department and may take three months or longer to obtain



If in doubt contact the Export Control Office



GSFC Personnel Export Control Responsibilities



All personnel involved in export control activities shall ensure that transfers are consistent with their program/project office policy & include appropriate “export control milestones” in their program/project plans to ensure that export control matters are considered and resolved in advance of prospective shipping or transfer dates. In addition, all personnel shall, in consultation with the GSFC Export Control Office, ensure that the international activities under their direction:

- ☐ Include appropriate safeguards for commodities, technologies, and software exported and transferred pursuant to international agreements
- ☐ Provide necessary technical information to the Export Control Office to permit a sound determination as to the need for validated export licenses or other documentation in specific activities, and for the completion of such documentation
- ☐ Ensure that adequate lead time is provided for the submission, processing, and receipt of validated export licenses, where necessary



Everyone is responsible for export control!





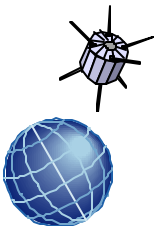
Fines/Penalties



☐ Fines/Penalties

- Export Laws & Regulations Are Binding
 - Penalties for violations will be assessed to the person responsible & not to NASA
- International Traffic In Arms Regulations (ITAR) Penalties
 - Fine of \$1 million per violation
 - Imprisonment - 10 years per violation
- Export Administration Regulations (EAR) Penalties
 - Fine of \$10k+
 - Imprisonment for up to 10 years

- ☐ Violations of Export Control Regulations jeopardize NASA's export privileges and may lead to increased scrutiny from the regulatory agencies (e.g., Departments of State and Commerce) or limitations placed on our use of exemptions/exceptions



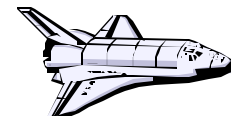


U.S. Export Regulations



☐ International Traffic In Arms Regulations (ITAR); Department of State, Office of Defense Trade Controls

- 22 CFR 120-130
- Covers items such as space launch vehicles (e.g., the Space Shuttle), all rocket systems and engines, all satellite systems, missile tracking systems, and space flight hardware including flight parts, components, accessories, engineering models, ground support equipment and technical data (both the hardware and the technology)



☐ Export Administration Regulations (EAR); Department of Commerce, Bureau of Industry and Security

- 15 CFR 730-774
- Covers what is commonly referred to as “dual-use” items, including the Space Station (the hardware and certain technology)



**Websites with these regulations are available through the
GSFC Export Control Office Website – <http://export.gsfc.nasa.gov>**



The International Traffic In Arms Regulations (ITAR), 22 CFR 120-130



The following categories of items are controlled by the International Traffic In Arms Regulations. Categories IV and XV are the most common in NASA.

Category I – Firearms, Close Assault Weapons and Combat Shotguns

Category II – Guns and Armament

Category III – Ammunition/Ordnance

Category IV – Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines

Category V – Explosives and Energetic Materials, Propellants, Incendiary Agents and Their Constituents

Category VI – Vessels of War and Special Naval Equipment

Category VII – Tanks and Military Vehicles

Category VIII – Aircraft and Associated Equipment

Category IX – Military Training Equip.

Category X – Protective Personnel Equip.

Category XI – Military Electronics

Category XII – Fire Control, Range Finder, Optical and Guidance and Control Equipment

Category XIII – Auxiliary Military Equipment

Category XIV – Toxicological Agents, Including Chemical Agents, Biological Agents, and Associated Equipment

Category XV – Spacecraft Systems and Associated Equipment

Category XVI – Nuclear Weapons, Design and Testing Related Items

Category XVII – Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated

Category XVIII – Directed Energy Weapons

Category XIX – [Reserved]

Category XX – Submersible Vessels, Oceanographic and Associated Equipment

Category XXI – Miscellaneous Articles





The Export Administration Regulations (EAR) 15 CFR 730-774



The following categories of items are controlled by the Export Administration Regulations. Categories 4, 6, and 9 are the most common in NASA.

Category 0 – Nuclear Materials, Facilities & Equipment (and Miscellaneous Items)

Category 1 – Materials, Chemicals, Microorganisms and Toxins

Category 2 – Materials Processing

Category 3 – Electronics Design, Development and Production

Category 4 – Computers

Category 5 – Telecommunications and Information Security

Category 6 – Sensors and Lasers

Category 7 – Navigation and Avionics

Category 8 – Marine

Category 9 – Propulsion Systems, Space Vehicles and Related Equipment





What is Export Controlled at GSFC?



The following types of items and information are export controlled. Information required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of, and software directly related to those items are also export controlled.

- ☐ spacecraft, remote sensing satellites, scientific satellites, research satellites, navigation satellites, experimental and multi-mission satellites; ground control stations for telemetry, tracking and control of spacecraft or satellites; global positioning system receiving equipment; radiation-hardened microelectronic circuits; and all specifically designed or modified systems, components, parts, accessories, attachments, and associated equipment
- ☐ complete rocket systems including sounding rockets; propulsion components; propellants; structural materials; launch support equipment; and ground control stations for telemetry, tracking and control
- ☐ telemetry processors; high speed computers; optical sensors to include detectors and focal plane arrays; and laser systems



If in doubt contact the Export Control Office





What Export Controlled Items or Information May Be Released?

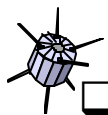


The vast majority of items/information subject to export controls do not require a license and may be exported after an export control review has been completed. The GSFC Export Control Office reviews approximately 5000 exports annually.

- ☐ Roughly 10% cannot be exported immediately due to licensing requirements, International Agreement Issues, or other questions that need to be resolved
- ☐ Less than 1% require a State or Commerce Department license to export

The following types of items/information do not require a license to be exported:

- ☐ Items or information already in the public domain
- ☐ Information concerning general scientific, mathematical, or engineering principles
- ☐ Fundamental research which is ordinarily published or shared broadly
- ☐ Basic marketing information on function or purpose, or general system descriptions
- ☐ Most temporary exports of hardware remaining under NASA ownership and pursuant to a signed International Agreement
- ☐ Technical data pursuant to a signed International Agreement





What Type of Export Controlled Information May Be Exchanged at Meetings/Presentations/Conferences?



Providing information to a foreign national constitutes an export. Therefore, if your program involves export controlled technology, there are limits to what may be exchanged. Three common scenarios are explained as follows:

- ❑ Level 1: You are meeting with or presenting to foreign nationals in an open forum, or with future partners in the absence of a signed International Agreement.
 - Your discussions are limited to public domain information, as well as basic marketing information on function or purpose or general system descriptions.
- ❑ Level 2: You are operating under a signed International Agreement which provides for the export of technical data.
 - In addition to what can be exchanged at Level 1, your discussions are limited to the following types of information: interface information, requirements, specifications, performance, efficiency, discrete control capability, reliability, MTBF, operation, repair, testing, maintenance, modification and form and fit where relevant to the agreement.
 - Approval to export technical data does not include approval to exchange detailed engineering design information.
- ❑ Level 3: When may detailed engineering design information be exchanged?
 - Detailed engineering design information may be exchanged only when specifically allowed by the International Agreement (“Transfer of Goods and Technical Data” section).

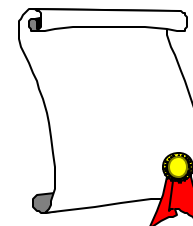




Approval of Exports and Licenses



Export licenses are provided by the State Department or Commerce Department and may take three months or longer to obtain.



VERY IMPORTANT!

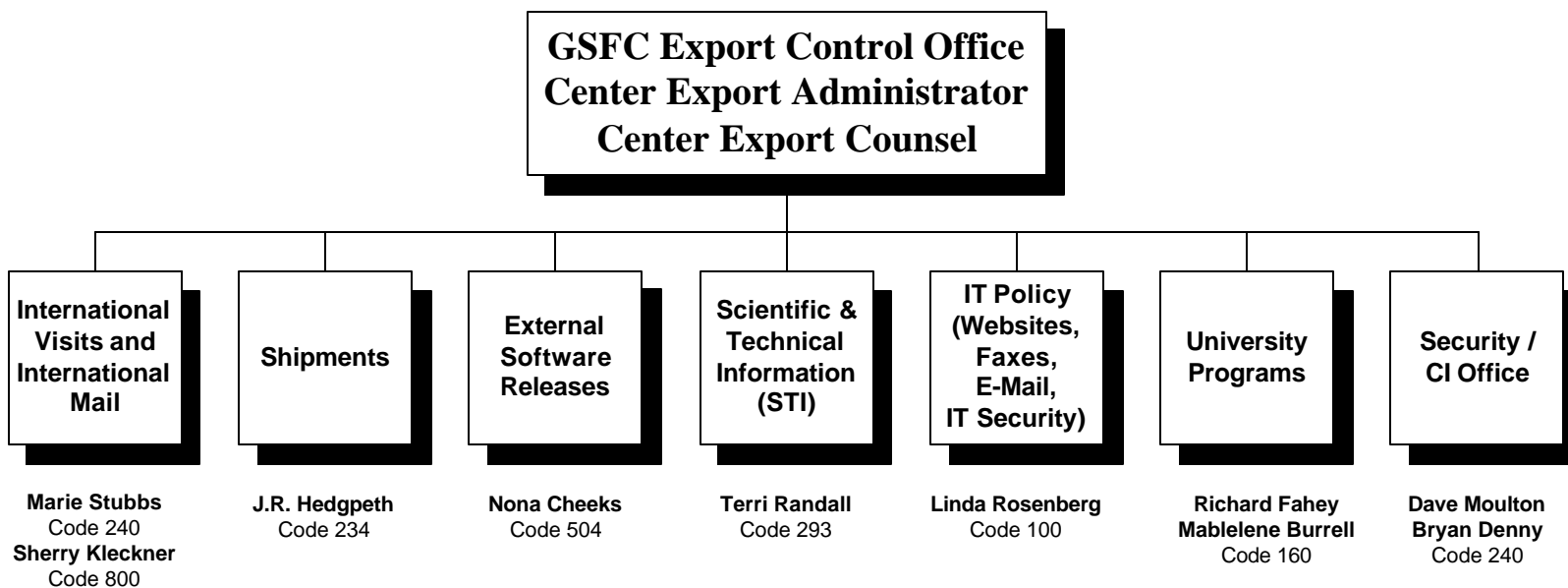
The Export Control Office **CANNOT** approve an export for an International Program without a signed* International Agreement in place.

* International Agreement signed by both NASA and by International Partner to Agreement (Memorandum of Understanding (MOU), Letter of Agreement (LOA), or Interim Letter of Agreement)





GSFC Export Control Process Owners





Key Personnel Involved in the Export Control Process



- ❑ NASA Export Administrator
 - John Hall, NASA HQ, Code ID

- ❑ GSFC Export Control Office, Building 27, Room 120, Fax 6-4393
 - GSFC Center Export Administrator (CEA), Tom Weisz, Code 232, ext. 6-4541
 - International Program Specialists
 - Odell Young, Code 232, ext. 6-6388
 - Patty Manalansan, Code 232, ext. 6-4579

- ❑ Office of Chief Counsel
 - Center Export Counsel (CEC), Larry Watson, Code 140, ext. 6-9181
 - Export matters are often referred to Greg La Rosa, Code 140, ext. 6-9092





GSFC Export Control Office

Code 232



The Export Control Office / Center Export Administrator (CEA) is responsible for ensuring compliance of all Center activities with U.S. export control laws and regulations, and NASA policy, procedures, and guidelines. The Office coordinates export licensing and exemption/exception actions to properly export hardware, technical data, and technology to/from international destinations.

☐ Governing Directives

- NPD 2190.1, *NASA Export Control Program*
- NPG 2190.1, *Procedures and Guidelines for the NASA Export Control Program*

☐ Process

- The Export Control Office consults with Project Managers, the Center Export Counsel, and other process owners (e.g., Transportation Officers) on export control matters.
- The following types of documents are reviewed:
 - license applications
 - shipping documents
 - international visit requests
 - STI and software releases
 - international agreements
 - technology transfer control plans
 - RFP's and Announcements of Opportunity
 - technical assistance agreements
- Most export control reviews take less than 5 days if there are no issues to be resolved.

☐ Point of Contact

- GSFC Export Control Office, Code 232, ext. 6-6388 or 6-4579, fax 6-4393





GSFC Export Control Office Services



The Export Control Office / Center Export Administrator (CEA) provides the following services.

- ☐ Makes interpretations of regulations and policies concerning exports/imports
- ☐ Determines proper export jurisdiction (i.e., Department of Commerce and/or Department of State) and determines proper authority (i.e., license or exemption)
- ☐ Serves as liaison between the Project Office and the NASA Headquarters Export Administrator when developing necessary license applications
- ☐ Assists contracting officers in preparing appropriate contract clauses, terms, and conditions concerning exports for contracts, grants, and loan agreements
- ☐ Assists contractors and grantees in obtaining appropriate export licenses and in complying with laws, Commerce, State and/or Treasury Department regulations, and NASA policy
- ☐ Assists with clearing material through U.S. and foreign customs, if necessary
- ☐ Assists participating countries in a NASA Project to clear freight through U.S. Customs, to include working with the participating country's broker or agent to clear the shipment through customs
- ☐ Conducts awareness training for Center customers on an as needed or as requested basis





GSFC Export Control Office Website (export.gsfc.nasa.gov)



[TEXT VERSION](#)



NASA Export Control Program GSFC Export Control Office Code 232



Introduction	What's New?	Administrator's Statement
Mission	Services	Contacts
What Is An Export?	What Is An EAR Item?	What Is An ITAR Item?
NASA ECP	How Do I?	Sample Documents
License Applications	Penalties	Acronyms
Glossary	Resources/Links	Export Database
Training	Designated Countries	Websites

Last Revised: 02/14/03

Questions or Comments: [Odell Young](#) or [Patty Manalansan](#), GSFC Export Control Office

GSFC Official: [Tom Weisz](#), Center Export Administrator

[NASA Privacy Statement](#)



This site was designed to provide the GSFC community with information related to the export process. Readers are cautioned, however, that it is the responsibility of the GSFC Export Control Office to interpret export regulations and to determine the proper export authority. **ALL EXPORTS MUST BE APPROVED BY THE GSFC EXPORT CONTROL OFFICE.** EXPORT LAWS AND REGULATIONS ARE BINDING. PENALTIES FOR VIOLATIONS WILL BE ASSESSED TO THE PERSON RESPONSIBLE AND NOT TO NASA.



[GSFC Home](#)



[Code 230 Home](#)



International Visits



NASA encourages visits by foreign nationals to facilitate mutual understanding, strengthen existing cooperation, and promote potential cooperation. At the same time, all foreign visit requests will be screened to determine whether they conform with Agency and national policies.

☐ Governing Directives

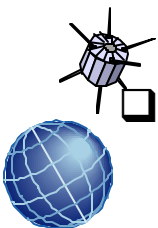
- NPD 1371.5, *Coordination and Authorization of Access by Foreign Nationals and Foreign Representatives to NASA*
- NPG 1371.2, *Procedures and Guidelines for Processing Requests for Access to NASA Installations or Facilities by Foreign Nationals or U.S. Citizens Who are Reps of Foreign Entities*

☐ Process

- Greenbelt: The following documents need to be submitted as a minimum: Foreign Visitor Information Sheet, Access for Foreign National to GSFC, and GSFC Form 24-17 (Information Concerning Foreign Nationals at Goddard).
- Wallops: The visit request is submitted on-line by completing a “Request for Request” at <https://ivan.esportals.com>.
- Requests must be received by the International Coordinator/Office at least 20 workdays in advance of visit (2 months if coming from a “designated country”). Additional documents may be required for personnel from designated countries or if visiting for more than 3 months.

☐ Points of Contact

- International Coordinator’s Office (Greenbelt), Marie Stubbs, Code 240, ext. 6-8300
- International Coordinator (Wallops), Sherry Kleckner, Code 800, ext. 7-1204





International Mail and Packages



Due to political sensitivities and concerns regarding potential technology transfer, NASA policy requires special handling of all official correspondence to “designated countries.” The current list is located at <http://export.gsfc.nasa.gov>.

☐ Governing Directive

- NPG 1450.10, *NASA Correspondence Management and Communications Standards and Style*

☐ Process

- Greenbelt: For all international packages, the sender must complete a GSFC Form 11-54 (Shipping and Mail Request Form) to attest that the contents are not export control restricted. For mail/packages addressed to a designated country, the sender routes it to the International Coordinator's Office with a GSFC Form 11-54 for review. The form is not required for international mail to a country not on the designated country list.
- Wallops: The Wallops Mailroom will send international mail/packages to designated countries to the International Coordinator for review.
- Recommend shipment by a carrier that provides an advanced tracking capability and who requires a signature at the destination (e.g., FedEx).
- For mail/packages sent to designated countries, the approval process takes 1-2 weeks if there are no issues to be resolved.



☐ Points of Contact

- International Coordinator's Office (Greenbelt), Marie Stubbs, Code 240, ext. 6-8300
- International Coordinator (Wallops), Sherry Kleckner, Code 800, ext. 7-1204





International Mail and Packages

GSFC Form 11-54



Shipping and Mailing Request Form			
(For use with express, certified, and registered domestic and international small packages)			
SHIP TO: (Please include a complete street address, city, state, zip code, and telephone number)			
DESCRIPTION OF ITEM BEING SHIPPED/MAILED: (this information is required)			
TYPE OF SERVICE REQUESTED: (Please read options carefully)			
Express Delivery Services		Certified and Registered Mail Services	
<input type="checkbox"/> Priority Overnight Service		<input type="checkbox"/> Certified Mail	
<input type="checkbox"/> Standard Overnight Service		<input type="checkbox"/> Registered Mail	
<input type="checkbox"/> Second Day Service		<input type="checkbox"/> Return Receipt	
<input type="checkbox"/> Third Day Service			
<input type="checkbox"/> International Express Service *			
<input type="checkbox"/> International Economy Service *			
<input type="checkbox"/> Saturday Delivery			
<input type="checkbox"/> Least Costly Method			
<p>* The following information must be provided for all packages being shipped or mailed to an international destination.</p> <p>To the best of my knowledge, this shipment is not restricted for export. If you are unsure of current ITAR (22 CFR Parts 120-130) and export (15 CFR Parts 730-774) regulations, please contact the GSFC Export Control Office at 6-6388/6-4579 or visit their website at http://export.gsfc.nasa.gov</p> <p>International packages going to a "Designated Country" must be approved by the International Coordinator's Office, Code 101, ext. 6-8300. A list of Designated Countries can be found at http://export.gsfc.nasa.gov</p>			
		Signature and Date of Sender	
		Signature and Date of International Coordinator's Office representative	
ORIGINATOR:			
Name:		Code:	Telephone:
			Date:
For Internal Use Only:			
Package Identification Number		Mode of Shipment	Date Processed

GSFC 11-54 (8/02) This form replaces form GSFC 11-5





International Shipments



The Traffic Management Office will coordinate international shipments with all appropriate GSFC (e.g., Export Control Office and the Packing/Crating Shop) and other Federal agency organizations (e.g., Department of Transportation and the Customs Service) to ensure that all applicable laws and regulations are followed.

☐ Governing Directive

- GPG 6400.1, *Logistics Support*

☐ Process

- Complete a GSFC Form 20-4 (Transfer/Shipping Request) and forward it to the Traffic Management Office.
- The handcarry of items overseas (e.g., notebook computer) requires a GSFC Form 0-4 and a letter of authorization (sample letters are located at <http://export.gsfc.nasa.gov>).
- Export control review takes less than 5 days if there are no issues to be resolved.

☐ Points of Contact

- Traffic Management Office (Greenbelt), Mike Thompson, Code 239, ext. 6-9933
- Traffic Management Office (Wallops), Renay Taylor, Code 239, ext. 7-1595





International Shipments

GSFC Form 20-4



Record an estimate of the “current market value” (use acquisition cost if current market value is unknown) on the 20-4 in Block 21 (unit cost) and Block 22 (total cost) followed by the words “current market value.” This value will be used for all documentation (e.g., Shippers Export Declaration) required for U.S. and foreign customs.

Transfer/Shipping Request (See Instructions on Reverse)				Page ____ of ____		Doc No. 205434	
1. From: Pickup Location: _____ Contract: _____ Phone: _____		3. Originator's Name, Code, Phone N/A No. _____ Date _____		5. Authority for Shipment <input type="checkbox"/> A. P.O. Contract/Type No. (Including S.I. and S. Appl.) <input type="checkbox"/> B. Project Name <input type="checkbox"/> C. Letter/Letter Agreement (Date, Subject, File No.) <input type="checkbox"/> D. Other (Explain in #16)		8. Property Custodian Approval Date _____	
2. Ship To/Mark For/Where		4. Required Delivery Date		10. Other Approvals Date _____		11. O.A. Approval Date _____	
		6. Reason for Shipment A. Contract (Give P.O. Contract No. in Block 3A) <input type="checkbox"/> Repair/Restoration/Alter/Modify <input type="checkbox"/> Transfer Between Contracts <input type="checkbox"/> Contract OPE <input type="checkbox"/> Configuration Agreement B. Transfer (Give Gaining & Losing Acct.) <input type="checkbox"/> Between NASA and Another Agency <input type="checkbox"/> Between NASA Centers <input type="checkbox"/> Within GSFC Losing Acct.: _____ Gaining Acct.: _____ C. <input type="checkbox"/> Other (Explain)		12. Ship Prepaid _____ Fund No. _____ Hand Carry <input type="checkbox"/> Or Ship Collected <input type="checkbox"/> By _____		13. Approving Authority Date _____	
13. Are There Hazardous Items? <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain)				14. Export Approved _____ Date _____			
14. ITAR Y/N _____ Commerce Y/N _____ License or Exemption No. _____ Tech. Contact: _____ Phone: _____ Fax: _____				(U.S. / C.O. / M.I.)			
15. Item Name, MFG, Model No., S/N, Stock No., Owner's Control Number, Other Unique Identifying Data and Special Instructions				17. P.I. (U.S.)			
				18. C.O.			
				19. M.I.			
				20. E.O. Number			
				21. Unit Cost			
				22. Total Cost			
				23. Net			
				24. Description			
Shaded Area For Traffic Management Use Only				Total Net			
				Total Cost			
				25. Received By _____ Date _____			

GSFC 20-4 (2/96) NOTE ANY DISCREPANCIES ON THIS & MP ON COMMERCE DOCUMENTS



External Software Releases



Software created by or for NASA is a valuable technology to manage, and, therefore, should be utilized and released in a way that maximizes its benefit to NASA, the U.S. public, and the U.S. economy.

☐ Governing Directives

- NPD 2210.1, *External Release of NASA Software*
- NPG 2210.1, *External Release of NASA Software*

☐ Process

- As soon as software is created, complete NASA Form 1679 (Disclosure of Invention and New Technology) and forward it to the GSFC Patent Office.
- When software release is desired, contact the Software Release Authority (SRA).
- The SRA will require additional documentation (e.g., IT Security/Global Concerns Statement and GSFC Form 25-51 (GSFC Software Public Disclosure Export Control Checklist)) depending on the type of release requested.
- Process takes less than a month if everything is in order or may take years if intellectual property issues are involved. Export control review takes less than 5 days if there are no issues to be resolved.



☐ Points of Contact

- Software Release Authority, Nona Cheeks, Code 504, ext. 6-5810
- GSFC Patent Office, Bryan Geurts, Code 503, ext. 6-7886



External Software Releases

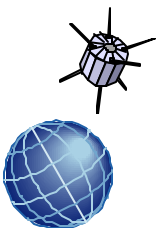
GSFC Form 25-51



GSFC Form 25-51 (GSFC Software Public Disclosure Export Control Checklist) has been developed to assist software creators in classifying the software, and to assist the Export Control Office in expediting the review of the software release. Two exemption categories have been established:

- ☐ Software is already in the public domain
- ☐ Software is utilized for the development or display of scientific data

For information not falling under the above exemptions, the “checklist” may be used to support a request that the software be released and attest that the release will not allow potential adversaries the ability to replicate export controlled items, or exploit or defeat controlled U.S. technologies.





Scientific and Technical Information (STI) Reviews



STI consists of the results of basic and applied research and development. NASA collects, announces, disseminates, and archives all STI resulting from NASA and NASA-funded research, so that the NASA user audience can use it in their research, and to reduce unnecessary duplication in, and improve the productivity and cost-effectiveness of the NASA research effort as a whole.

☐ Governing Directives

- NPD 2200.5, *Management of NASA Scientific and Technical Information*
- NPG 2200.2, *Guidelines for Documentation, Approval, and Dissemination of STI*

☐ Process

- The review process is required prior to publication/presentation of STI to ensure technical accuracy, and conformance with policy, publication standards, and laws and regulations.
- Forward for review and signature the following documents: NASA Form 1676 (NASA Scientific and Technical Document Availability Authorization (DAA)), GSFC Form 25-49 (GSFC STI Public Disclosure Export Control Checklist), 2 copies of article/presentation, and an abstract of article/presentation.
- Export control review takes less than 5 days if there are no issues to be resolved.

☐ Point of Contact

- GSFC Publications Office, Code 293, ext. 6-9004 or 6-2859





Scientific and Technical Information (STI) Reviews GSFC Form 25-49



GSFC Form 25-49 (GSFC STI Public Disclosure Export Control Checklist) has been developed to assist STI originators/authors in classifying the information to be published/presented, and to assist the Export Control Office in expediting the review of the STI release. Four exemption categories have been established under which information (concerning export controlled items) may be released:

- ☐ Information is already in the public domain
- ☐ Information pertains exclusively to the release of scientific data
- ☐ Information is offered at a general purpose or high level (e.g., poster briefs or overviews)
- ☐ Information pertains exclusively to the release of software safety and assurance methodologies or studies

For information not falling under the above exemptions, the “checklist” may be used to support a request that the STI be released and attest that the release will not allow potential adversaries the ability to replicate export controlled items, or exploit or defeat controlled U.S. technologies.





Reviews for Other Types of Documents



Documents (except for STI) which contain export controlled information (or any document that an organization/originator wishes to be reviewed) are reviewed by using the GSFC Form 25-49 (GSFC STI Public Disclosure Export Control Checklist). This process does not require a NASA Form 1676 (NASA Scientific and Technical Document Availability Authorization (DAA)).

☐ Process

- Forward for review the GSFC Form 25-49 (GSFC STI Public Disclosure Export Control Checklist) and a copy of the document to the GSFC Export Control Office.
- Export control review takes less than 5 days if there are no issues to be resolved.

☐ Point of Contact

- GSFC Export Control Office, Code 232, ext. 6-6388 or 6-4579





Websites



Sensitive, confidential, export controlled, copyright protected, or privacy information should not be placed in publicly available directories. A clear accountability for the accuracy and appropriateness of information to be displayed must be established before any information regarding NASA activities, missions, organizations, publications, is posted on the Internet via NASA “servers” for public access.

☐ Governing Directive

- NPG 2800.1, *Managing Information Technology*

☐ Process

- An ITAR Working Group with representatives from all directorates has been established.
- An “Export Control Applicability Matrix,” located at <http://export.gsfc.nasa.gov>, has been developed to assist in determining whether a particular type of document is usually export controlled.
- All export control sensitive data at GSFC is required to be behind a firewall and be accessed by passwords.
- “Directors of” are required to authorize access privileges to the data.
- Websites accessible through the GSFC firewall require registration.

☐ Point of Contact

- GSFC CIO, Linda Rosenberg, Code 100, ext. 6-5710





Website Registration



All websites accessible through the GSFC firewall are required to be reviewed for content compliance with Federal law and NASA Policy. This review requires website registration and self-certification. This review also includes self-certification for export control compliance.

☐ Process

- Complete the website registration located at <http://webregistry.gsfc.nasa.gov>.
- Instructions for completing the export control self-certification portion are located at <http://export.gsfc.nasa.gov>.
- Registration also includes completing a GSFC Form 25-49 (GSFC STI Public Disclosure Export Control Checklist) and submitting it to the GSFC Export Control Office.

☐ Point of Contact

- GSFC Webmaster, Emma Kolstad Antunes, Code 295, ext. 6-1377





Telephone Calls, Faxes, and E-Mail



Special controls and approvals for international telephone calls and faxes are in place to ensure the proper use of those resources and to ensure that export controlled information is not inappropriately disclosed. E-mail of export controlled information should be carefully evaluated before being sent.

☐ Governing Directive

- GPG 2540.1, *Administrative Telecommunication*
- NPG 2800.1, *Managing Information Technology*

☐ Process

- International telephone calls and faxes are approved locally, usually by the Project Manager or Division Chief.
- Telephone calls and faxes to “designated countries” require approval by the International Coordinator’s Office. The GSFC Export Control Office may also be involved in the review process.
- E-mail of export controlled information does not require encryption (yet), however, it is incumbent on the program/project to determine whether not encrypting is an acceptable risk.

☐ Points of Contact

- International Coordinator’s Office, Marie Stubbs, Code 240, ext. 6-8300
- GSFC CIO, Linda Rosenberg, Code 100, ext. 6-5710





Technology Transfer Control Plans



All programs/projects involved in an international activity are required to develop a Technology Transfer Control Plan (TTCP). A TTCP documents and plans the program's/project's export control activities:

1. What technologies, software, or hardware are subject to export controls?
2. What foreign nationals (and from what nations) am I working with?
3. What technologies, software, or hardware do I need to provide to those foreign nationals?
4. How will I provide those export-controlled items to those foreign nationals? How will I protect export-controlled items from unauthorized transfer?

☐ Governing Directive

- NPG 2190.1, *Procedures and Guidelines for the NASA Export Control Program*

☐ Process

- A template for a TTCP is contained in NPG 2190.1.
- The TTCP is approved by the Project Manager (or designee) and reviewed by the GSFC Export Control Office.

☐ Point of Contact

- GSFC Export Control Office, Code 232, ext. 6-6388 or 6-4579





Marking of Documents



Documents with export controlled information should be treated as “administratively controlled information.” These documents should be appropriately marked as export controlled documents in order to identify them as requiring special controls.

☐ Governing Directive

- NPG 1620.1, *Security Procedures and Guidelines*

☐ Process

- All export controlled documents (and if possible each page of the document) should be marked as such. For example, “This document is subject to export controls under the International Traffic in Arms Regulations (ITAR) and may not be disclosed without prior permission of the furnishing party.”
- Example destination control statements are located at <http://export.gsfc.nasa.gov>.
- International Agreements will have a “Transfer of Goods and Technical Data” section that indicates the marking requirements.

☐ Point of Contact

- GSFC Export Control Office, Code 232, ext. 6-6388 or 6-4579





Counterintelligence and Information Technology Security



Virtually every foreign country targets U.S. research & technology development efforts. Organizations attempting to access export controlled technology include intelligence services, academic institutions, commercial industry, and terrorist organizations. Security violations need to be reported immediately.

☐ Governing Directives

- NPD 1660.1, *NASA Counterintelligence (CI) Policy*
- NPG 2810.1, *Security of Information Technology*

☐ Process

- Report unsolicited requests for access to export controlled technology/data to the CI Officer.
- Report information technology security incidents or suspected incidents to your organization's Computer Security Official who will then document the incident and contact the Center Information Technology Security Manager.

☐ Points of Contact

- Counterintelligence Officer, Bryan Denny, Code 240, ext. 6-7233
- Center Information Technology Security Manager, Hank Middleton, Code 297, ext. 6-2486





Final Thoughts



- ☐ We want to help you export your material!!!
- ☐ ITAR/EAR regulations and NASA policy frequently change.
- ☐ Please coordinate your activities with the Export Control Office to allow enough time for your requirements to be evaluated, licenses to be obtained, and any issues to be resolved.
- ☐ For more Export Control Information
 - GSFC Export Control Office, Code 232: Odell Young (6-6388) or Patty Manalansan (6-4579), Building 27, Room 120
 - Center Export Administrator: Tom Weisz, Code 232, (6-4541)
 - GSFC Export Control Office website: <http://export.gsfc.nasa.gov>

